

DESIGNATION OF UNDERGROUND WATER MANAGEMENT AREAS

§293.21. Designation of Groundwater Management Area Through Rulemaking.

(a) These sections only apply to the designation of groundwater management areas as authorized by Water Code, §35.004, but shall not apply to proceedings for the designation of groundwater management areas in progress on the effective date of these sections.

(b) Designation of a groundwater management area is a separate proceeding from that for creation of a groundwater conservation district.

(c) In accordance with Water Code, §35.004, on its own motion or on receiving a petition, the commission may initiate a rulemaking to designate a groundwater management area. Through the rulemaking process, the commission will determine the boundaries of such a management area with the objective of providing the most suitable area for the management of the groundwater resources of the part of the state where a groundwater conservation district is or may be located. To the extent feasible, the management area will coincide with the boundaries of a groundwater reservoir or a subdivision thereof. The commission may also consider other factors in determining the boundaries of the management area, such as the boundaries of other political subdivisions and the appropriateness of the size and configuration of the management area to a groundwater conservation district's performance of its duties under Water Code, §§36.101-36.121.

(d) Upon the request of the commission or any person interested in a petition to designate a groundwater management area, the executive director will prepare available evidence relating to the configuration of a groundwater management area. The evidence prepared by the executive director shall include information concerning the existence, configuration, and characteristics of a groundwater reservoir or subdivision thereof. The evidence prepared by the executive director shall be made part of the rulemaking record.

(e) The commission shall designate groundwater management areas using the procedures applicable to rulemaking under the Administrative Procedure Act (Subchapter B, Chapter 2001, Government Code) except where such procedures conflict with those set forth in the Texas Water Code, Chapter 35.

(f) A petition for designation of an underground water management area must be submitted to the executive director and be accompanied by a \$100 application fee and petition recording fee of \$1.00 per page.

Adopted September 30, 1996

Effective October 22, 1996

§293.22. Petition for Adoption of Rules Designating a Groundwater Management Area.

(a) A petition may be submitted to the executive director for the sole purpose of requesting that the commission designate a management area for all or part of one or more counties.

(b) A petition submitted pursuant to this section must be signed by:

(1) a majority of the landowners in the proposed management area; or

(2) if there are more than 50 landowners in the proposed management area, the petition must be signed by at least 50 of those landowners.

(c) A petition submitted pursuant to this section must contain the following statement: "Petitioners request that the Texas Natural Resource Conservation Commission designate a groundwater management area to include all or part of _____ County (Counties). The management area shall be designated with the objective of providing the most suitable area for the management of groundwater resources of the part of the state in which a district is to be located. Petitioners understand that this petition requests only the designation of a management area, but that all or part of the land in the management area designated may later be added to an existing groundwater conservation district or become a new groundwater conservation district as provided by Chapter 36 of the Texas Water Code."

(d) A petition shall include a map that shows the location of the proposed management area and may include any other information desired by the petitioners concerning the proposed management area.

(e) The petitioners shall submit the petition to the executive director.

(f) The petitioners shall supply any additional information requested by the commission or the executive director.

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§293.23. Commission Consideration of Petition for Adoption of Rules Designating a Groundwater Management Area.

Within 60 days of the receipt of a Petition To Designate a Groundwater Management Area the commission shall initiate a rulemaking proceeding or deny the petition. If the commission denies the petition, it shall issue an order which sets forth the reasons for denying the petition.

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§293.24. Notice of Commission Consideration of Final Adoption of Rules Designating a Groundwater Management Area.

(a) In addition to the notice prescribed by the Administrative Procedure Act (Subchapter B, Chapter 2001, Government Code), the petitioners shall have notice published in at least one newspaper with general circulation in the county or counties in which the proposed management area is to be located. Notice must be published not later than the 30th day before the date set for the commission to consider the final adoption of the rules designating the management area.

(b) The notice must include:

(1) a statement of the general purpose and effect of designating the proposed management area;

(2) a map generally outlining the boundaries of the proposed management area or notice of the location at which a copy of the map may be examined or obtained; and

(3) the time and place at which the commission will consider the final adoption of rules designating the management area.

(c) If the commission initiates the rulemaking proceeding on its own motion, the chief clerk shall give the same notice as required to be given by the petitioner under this section.

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Effective October 22, 1996

§293.25. Alteration of Groundwater Management Area.

In accordance with Water Code, §35.004, on its own motion or on receiving a petition, the commission, after notice and hearing, may initiate a rulemaking proceeding to alter the boundaries of a designated management area as required by changed or future conditions and as justified by factual data. A petition for alteration of management area boundaries must allege in detail the facts and circumstances making alteration necessary and be accompanied by a \$100 application fee and petition recording fee of \$1.00 per page.

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